

and the other members of the Judiciary Committee for attempting to address the property rights issue. I have been involved in this subject for a very long time, going back to my service as a city councilman, mayor and county commissioner. This is a tough issue. It involves the need to balance protection of constitutionally guaranteed private property rights with other constitutional guarantees of public health, safety and welfare as traditional, legitimate functions of government. I will be the first to say that it is an imperfect system, there is no question about that. While our system of layering government and dividing authority isn't perfect, I believe it works well reasonably and ensures a balanced role for all three levels of government. We ought to trust the local officials to work through the zoning issues. They're the ones on the front lines—they deal with these questions every day and are in the best position to be directly responsive to the needs and concerns of the community. Of course, there are poster child examples of the extreme and cases of egregious takings without compensation.

If there are questions of State law that need to be resolved, we need State courts to decide those issues. If a legitimate takings claim exists, it is critical we ensure landowners their day in court in a timely manner.

We need to maintain for local officials a meaningful opportunity to work with the landowners to craft a compromise. In my view, it is not appropriate to have the Federal Government deciding local land use questions. In addition, some critics of this bill have argued that the Federal judiciary would be flooded with claims and simply could not handle the caseload that would result if this bill were enacted. For example, the Federal District Court for Southwest Florida, which I represent, is already short-handed and has a backlog of cases that is measured in years, not just months. Any changes to the current system must take these concerns into account.

In the end, balancing the right of a landowner to develop his property within the bounds set by the health, safety and welfare interests of the community is a difficult question—I, for one, do not believe there's any particular magic a Federal court has that can solve these problems and make them go away.

So, I will reluctantly oppose H.R. 2372. I do however, want to make mention of the fact that there are several provisions of the bill dealing with Federal takings that I do support. This is why I intend to support the amendment offered by Representative BOEHLERT, which would remove the provisions dealing with local governments but retain the sections dealing with Federal takings. Once again, I urge my colleagues to support this rule. It is a fair rule and we should pass it so the House can have an open debate about H.R. 2374.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. PRYCE of Ohio. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. PEASE). Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 276, nays 145, not voting 13, as follows:

[Roll No. 51]

YEAS—276

Aderholt	Fowler	Miller (FL)
Archer	Franks (NJ)	Miller, Gary
Armey	Frelinghuysen	Minge
Baca	Frost	Moran (KS)
Bachus	Gallegly	Moran (VA)
Baker	Ganske	Morella
Baldacci	Gekas	Murtha
Ballenger	Gibbons	Napolitano
Barcia	Gilchrest	Nethercutt
Barr	Gillmor	Ney
Barrett (NE)	Gilman	Northup
Bartlett	Goode	Norwood
Barton	Goodlatte	Nussle
Bass	Goodling	Obey
Bateman	Gordon	Ortiz
Bereuter	Goss	Ose
Berkley	Graham	Oxley
Berry	Granger	Packard
Biggert	Green (WI)	Pascrell
Bilbray	Greenwood	Paul
Bilirakis	Gutknecht	Pease
Bishop	Hansen	Peterson (PA)
Billey	Hastings (WA)	Petri
Blunt	Hayes	Phelps
Boehkert	Hayworth	Pickering
Boehner	Hefley	Pickett
Bonilla	Herger	Pitts
Bono	Hill (IN)	Pombo
Boswell	Hill (MT)	Pomeroy
Boyd	Hilleary	Porter
Brady (TX)	Hilliard	Portman
Brown (FL)	Hinche	Pryce (OH)
Bryant	Hobson	Quinn
Burr	Hoekstra	Radanovich
Burton	Holden	Ramstad
Buyer	Horn	Regula
Callahan	Hostettler	Reyes
Calvert	Houghton	Reynolds
Camp	Hulshof	Riley
Campbell	Hunter	Rodriguez
Canady	Hutchinson	Roemer
Cannon	Hyde	Rogan
Chabot	Isakson	Rogers
Chambliss	Istook	Rohrabacher
Chenoweth-Hage	Jenkins	Ros-Lehtinen
Clement	John	Rothman
Coble	Johnson (CT)	Roukema
Coburn	Johnson, Sam	Royce
Collins	Kasich	Ryan (WI)
Combest	Kelly	Ryun (KS)
Condit	King (NY)	Salmon
Cooksey	Kingston	Sandlin
Costello	Knollenberg	Sanford
Cox	Kolbe	Saxton
Cramer	Kuykendall	Scarborough
Cubin	LaHood	Schaffer
Cunningham	Lampson	Sensenbrenner
Danner	Largent	Sessions
Davis (FL)	Latham	Shadegg
Davis (VA)	LaTourette	Shaw
Deal	Lazio	Shays
DeMint	Leach	Sherwood
Diaz-Balart	Lewis (CA)	Shimkus
Dickey	Lewis (KY)	Shows
Dooley	Linder	Shuster
Doolittle	Lipinski	Simpson
Doyle	LoBiondo	Sisisky
Dreier	Lucas (KY)	Skeen
Duncan	Lucas (OK)	Skelton
Dunn	Maloney (NY)	Smith (MI)
Edwards	Manzullo	Smith (NJ)
Ehlers	Martinez	Smith (TX)
Ehrlich	Mascara	Souder
Emerson	McCollum	Spence
English	McCrery	Stearns
Etheridge	McHugh	Stenholm
Everett	McInnis	Stump
Ewing	McIntosh	Stupak
Fletcher	McIntyre	Sununu
Foley	McKeon	Sweeney
Ford	Metcalf	Talent
Fossella	Mica	Tancredo

Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman

Tiahrt
Toomey
Trafigant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins

Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—145

Abercrombie	Gonzalez	Miller, George
Ackerman	Green (TX)	Mink
Allen	Gutierrez	Moakley
Andrews	Hall (OH)	Mollohan
Baird	Hall (TX)	Moore
Baldwin	Hastings (FL)	Nadler
Barrett (WI)	Hoeffel	Neal
Becerra	Holt	Oberstar
Bentsen	Hoolley	Olver
Berman	Hoyer	Pallone
Blagojevich	Inslee	Pastor
Blumenauer	Jackson (IL)	Payne
Bonior	Jackson-Lee	Pelosi
Borski	(TX)	Peterson (MN)
Boucher	Jefferson	Price (NC)
Brady (PA)	Johnson, E. B.	Rahall
Brown (OH)	Jones (OH)	Rivers
Capps	Kanjorski	Roybal-Allard
Capuano	Kaptur	Sabo
Cardin	Kennedy	Sanchez
Carson	Kildee	Sanders
Castle	Kilpatrick	Sawyer
Clay	Kind (WI)	Schakowsky
Clayton	Klecza	Scott
Clyburn	Kucinich	Serrano
Conyers	LaFalce	Sherman
Coyne	Lantos	Slaughter
Crowley	Larson	Smith (WA)
Cummings	Lee	Snyder
Davis (IL)	Levin	Spratt
DeFazio	Lewis (GA)	Stabenow
DeGette	Lofgren	Strickland
Delahunt	Lowey	Tauscher
DeLauro	Luther	Thompson (MS)
Deutsch	Maloney (CT)	Tierney
Dicks	Marky	Towns
Dingell	Matsui	Udall (CO)
Dixon	McCarthy (MO)	Udall (NM)
Doggett	McCarthy (NY)	Velazquez
Engel	McDermott	Vento
Eshoo	McGovern	Visclosky
Evans	McKinney	Waters
Farr	McNulty	Watt (NC)
Fattah	Meehan	Weiner
Filner	Meek (FL)	Wexler
Forbes	Meeks (NY)	Wise
Frank (MA)	Menendez	Woolsey
Gejdenson	Millender-	Wu
Gephardt	McDonald	Wynn

NOT VOTING—13

Cook	Klink	Stark
Crane	Myrick	Waxman
DeLay	Owens	Whitfield
Hinojosa	Rangel	
Jones (NC)	Rush	

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Messrs. GREEN of Texas, LARSON, GEPHARDT, GEORGE MILLER of California, HASTINGS of Florida, JEFFERSON, Ms. SANCHEZ, Ms. DEGETTE, and Ms. SLAUGHTER changed their from "yea" to "nay."

Mr. DOOLITTLE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2 p.m.

Accordingly (at 11 o'clock and 32 minutes a.m.), the House stood in recess until approximately 2 p.m.)